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CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
February 2017 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAMI NAJM ASAD-GHANEM,
aka "Rami Ghanem,"

Defendant.

CR No. 15-00704 (A) -SJO

F I R S T
S U P E R S E D I N G
I N D I C T M E N T

[18 U.S.C. § 371: Conspiracy;
22 U.S.C. §§ 2778(b)(1)(A)(ii),
(c), and 22 C.F.R. §§ 126.1,
127.1(b)(2): Arms Export
Control Act; 18 U.S.C. § 2332g:
Missile Systems Designed to
Destroy Aircraft]

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At all times relevant to this Indictment:

A. DEFENDANT

1. Defendant RAMI NAJM ASAD-GHANEM, also known as ("aka")
"Rami Ghanem" ("defendant GHANEM"), was a citizen of the United
States.

1 B. THE STATUTES AND REGULATIONS

2 2. The Arms Export Control Act, Title 22, United States
3 Code, Section 2778 ("AECA"), as amended, authorized the
4 President of the United States to control the import and export
5 of "defense articles" and "defense services."

6
7 3. The AECA also gave the President the authority to
8 designate articles and services deemed to be defense articles
9 and services subject to export control. That statutory
10 authority was delegated to the U.S. Secretary of State. By
11 virtue of delegations of authority by the Secretary of State,
12 the implementing regulations, the International Traffic in Arms
13 Regulations, 22 C.F.R. §§ 120-130 (the "ITAR"), were
14 administered by the Deputy Assistant Secretary of State for
15 Defense Trade Controls, Bureau of Political-Military Affairs.
16 The Deputy Assistant Secretary of State for Defense Trade
17 Controls supervised the Directorate of Defense Trade Controls
18 ("DDTC"), which had responsibilities relating to licensing,
19 other approvals of defense trade, and violations of law or
20 regulation and compliance.
21

22 4. The ITAR contained a list of defense articles and
23 defense services subject to control by these regulations. This
24 list was called the United States Munitions List ("USML"), Title
25 22, Code of Federal Regulations, Section 121.1. Designations of
26 defense articles and defense services to the USML were made by
27 the United States Department of State ("Department of State")
28

1 with the concurrence of the United States Department of Defense
2 ("Department of Defense"). (22 U.S.C. § 2778(a)(1); 22 C.F.R.
3 § 120.2.)

4 C. DEFINITIONS

5 5. "Defense article" meant any item or technical data
6 designated on the USML. (22 C.F.R. § 120.6.)

7 6. "Defense service" meant:

8 a. The furnishing of assistance, including training,
9 to foreign persons, whether in the United States or abroad, in
10 the design, development, engineering, manufacture, production,
11 assembly, testing, repair, maintenance, modification, operation,
12 demilitarization, destruction, processing, and use of defense
13 articles;
14

15 b. The furnishing to foreign persons of any
16 technical data controlled by the ITAR; and
17

18 c. Military training of foreign units and forces,
19 regular and irregular, including formal or informal instruction
20 of foreign persons by correspondence courses, technical,
21 educational, or information publications and media of all kinds,
22 training aid, orientation, training exercise, and military
23 advice. (22 C.F.R. § 120.9.)
24

25 7. The terms "defense article" and "defense service"
26 referred to both U.S-origin and foreign-origin defense articles
27 and defense services described on the USML. (22 C.F.R.
28 § 120.44.)

1 8. "Foreign defense article" meant any article described
2 on the USML of non-U.S. origin. (22 C.F.R. § 120.44.)

3 9. "Foreign defense service" meant any service described
4 on the USML of non-U.S. origin. (22 C.F.R. § 120.44.)

5 10. "Brokering activities" meant any action on behalf of
6 another to facilitate the manufacture, export, permanent import,
7 transfer, re-export, re-transfer, or furnishing of a U.S. or
8 foreign defense article or U.S. or foreign defense service,
9 regardless of its origin. (22 C.F.R. § 129.2.)

10 11. A "broker" meant any person (including a natural
11 person, corporation, business association, partnership, society,
12 trust, or any other entity, organization, or group) engaged in
13 the business of brokering activities and who was: a) a U.S.
14 person, wherever located; b) a foreign person located in the
15 United States; or c) a foreign person located outside the United
16 States where the foreign person is owned or controlled by a U.S.
17 person. (22 C.F.R. § 129.2.)

18 12. "U.S. person" meant a person (including natural
19 persons, corporations, business associations, partnerships, and
20 other entities) who was a citizen, national, or lawful permanent
21 resident of the United States. (22 C.F.R. § 120.15.)

22 D. RELEVANT USML CATEGORIES

23 13. Category I of the USML included firearms, close
24 assault weapons, and combat shotguns. (22 C.F.R. § 121.1.)

1 14. Category II of the USML included guns and armaments.
2 (22 C.F.R. § 121.1.)

3 15. Category III of the USML included ammunition/ordnance.
4 (22 C.F.R. § 121.1.) Subsection (a) of Category III of the USML
5 included ammunition/ordnance for the articles in Categories I
6 and II of the USML. (22 C.F.R. § 121.1.)
7

8 16. Category IV of the USML included launch vehicles,
9 guided missiles, ballistic missiles, rockets, torpedoes, bombs,
10 and mines. (22 C.F.R. § 121.1.)

11 17. Category VII of the USML included ground vehicles and
12 certain parts therefor. (22 C.F.R. § 121.1.)

13 18. Category VIII of the USML included aircraft and
14 related articles and certain parts therefor. (22 C.F.R.
15 § 121.1.)
16

17 19. Category IX of the USML included military training
18 equipment and training. Subcategory (e) of Category IX of the
19 USML included defense services. (22 C.F.R. § 121.1.)

20 20. Category XII of the USML included fire control, range
21 finder, optical and guidance control equipment, such as image
22 intensification tubes, and included certain components, parts,
23 accessories, attachments, and associated equipment related to
24 the same. (22 C.F.R. § 121.1.)
25

26 21. The following defense articles and defense services,
27 among others, were designated on the USML:
28

Commodity	Controls
12.7-millimeter NSVT machine guns	USML I
7.62-millimeter AKS assault rifles	USML I
7.62-millimeter AKM assault rifles	USML I
7.62-millimeter PKM medium machine guns	USML I
7.62-millimeter SVD sniper rifles	USML I
Sniper rifles	USML I
CZ-999 pistols 9-millimeter pistols	USML I
Glock 9-millimeter pistols	USML I
AK-47 assault rifles	USML I
Dragonov sniper rifles	USML I
14.5-millimeter KPVT machine guns	USML II
60-millimeter mortar shells	USML III
81-millimeter mortar shells	USML III
120-millimeter mortar shells	USML III
7.62 x 39-millimeter ammunition	USML III
Ammunition	USML III
23-millimeter ammunition	USML III
Zsu-23-2 23-millimeter ammunition	USML III
5.56 x 45-millimeter ammunition	USML III
BS-41 14.5-millimeter ammunition	USML III
9 x 19-millimeter ammunition	USML III
Zsu-57-2 57-millimeter anti-aircraft ammunition	USML III
M51 37-millimeter anti-aircraft armor-piercing capped trace	USML III
7.62 x 39-millimeter ammunition	USML III
7.62 x 54-millimeter ammunition	USML III
7.62 x 54-millimeter BKC ammunition	USML III
12.7 x 108-millimeter ammunition	USML III
Dishka 127 x 108-millimeter ammunition	USML III
14.5 x 114-millimeter ammunition	USML III
23 x 152-millimeter ammunition	USML III
D20 152-millimeter tank rounds	USML III
M48 76-millimeter tank rounds	USML III
D30 122-millimeter towed howitzer heat tank rounds	USML III
12.7 x 108-millimeter ammunition	USML III
RPG-7 anti-tank rocket-propelled grenade launcher	USML IV
Kornet anti-tank guided missile launchers	USML IV

Commodity	Controls
Kornet anti-tank guided missiles	USML IV
Igla 9K38 surface-to-air missile launchers	USML IV
Igla 9K38 surface-to-air missiles	USML IV
MI-24 rocket launchers	USML IV
57-millimeter rockets	USML IV
80-millimeter rockets	USML IV
122-millimeter S-13T rockets	USML IV
122-millimeter S-13 OF rockets	USML IV
130-millimeter rockets	USML IV
240-millimeter rockets	USML IV
GRAD 122-millimeter rockets	USML IV
122-millimeter GRAD rocket launcher	USML IV
107-millimeter GRAD rocket launcher	USML IV
RPG-7 HEAT rounds	USML IV
AT-2 Swatter guided missiles	USML IV
AT-6 Spiral missiles	USML IV
Konkurs anti-tank missile launchers	USML IV
Konkurs anti-tank missiles	USML IV
AGS-17 30-millimeter grenade launchers	USML IV
Anti-tank grenade launchers RPG-7	USML IV
Anti-tank grenades PG-7V	USML IV
Fagot 9K111 anti-tank guided missile launchers	USML IV
Fagot 9M111 anti-tank guided missiles	USML IV
M70 Osa 90-millimeter anti-tank guided missile launchers	USML IV
M79 Osa 90-millimeter anti-tank guided missile launchers	USML IV
9M133 Kornet (Konkurs) anti-tank guided missile launchers including tripods and thermal sights	USML IV
9M133 Kornet (Konkurs) anti-tank guided missiles	USML IV
85-millimeter RPG-7 anti-tank launcher including telescopic sight	USML IV
PG-7VL 85-millimeter HEAT projectiles	USML IV
SKIF anti-tank guided missile launchers	USML IV
SKIF anti-tank guided missiles	USML IV
Strela surface-to-air missile launchers	USML IV
Strela surface-to-air missiles	USML IV

Commodity	Controls
M79 Osa RBR 90-millimeter anti-tank guided rocket launchers	USML IV
M79 Osa RBR 90-millimeter anti-tank guided rockets	USML IV
M79 Osa RBR 90-millimeter anti-tank guided rocket tubes	USML IV
9M151 Metis-M anti-tank guided missile launchers	USML IV
9M131 Metis-M anti-tank guided missiles	USML IV
Metis-M tripod launchers	USML IV
Konkurs tripod launchers	USML IV
9P163-1 Kornet tripod launchers	USML IV
PG-7VLT tandem-charge anti-tank warheads	USML IV
PG-7VR 85-millimeter HEAT tandem projectiles	USML IV
Shershen-D anti-tank guided missile launchers	USML IV
Shershen-D anti-tank guided missiles	USML IV
Spare parts for T-72 battle tanks	USML VII
Spare parts for BTR-80 amphibious armored personnel carriers	USML VII
MI-24 attack helicopters	USML VIII
MIG-29 fighter jets	USML VIII
Operators for Igla surface-to-air missile launchers	USML IX
Technicians for Igla surface-to-air missile launchers	USML IX
Trainers for Igla surface-to-air missile launchers	USML IX
Special forces fighters	USML IX
MI-24 attack helicopter pilots	USML IX
L39 attack aircraft pilots	USML IX
F-1 fighter jet pilots	USML IX
MIG-25 fighter pilots	USML IX
PVS-27 night-vision weapon sight	USML XII
MI-24 night-vision equipment	USML XII
Shershen-D thermal sights	USML XII
Shershen-D PN-S combat module guidance devices	USML XII
1PBN86-VI Metis-M thermal sights	USML XII
Konkurs thermal sights	USML XII
1PN79-1 Kornet thermal sights	USML XII

1 E. EXPORTING DEFENSE ARTICLES

2 22. The AECA and the ITAR required a person to apply for
3 and obtain an export license from the DDTC before exporting,
4 transferring, re-exporting, or re-transferring from the United
5 States defense articles by any means. (22 U.S.C. § 2778(b)(2);
6 22 C.F.R. §§ 120.1, 120.17.)
7

8 23. At no time did defendant GHANEM or any co-conspirator
9 apply for, receive, or possess a license to export, transfer,
10 re-export, or re-transfer the PVS-27 night-vision weapon sights
11 described in the counts below.

12 24. At no time did defendant GHANEM or any co-conspirator
13 apply for, receive, or possess a license to export, transfer,
14 re-export, or re-transfer the Glock pistols described in the
15 counts below.
16

17 F. BROKERING ACTIVITIES

18 25. At no time did defendant GHANEM apply for, receive, or
19 possess a license to engage in brokering activities with respect
20 to the defense articles or defense services described herein and
21 in the counts below.
22

23 G. ARMS EMBARGO

24 26. No sale or transfer and no proposal to sell or
25 transfer any defense articles could be made to countries
26 identified in Title 22, Code of Federal Regulations, Section
27 126.1, including Libya and Iran, or to any person acting on
28 behalf thereof, whether in the United States or abroad, without

1 first obtaining a license or written approval from DDTC pursuant
2 to Title 22, Code of Federal Regulations, Section 126.1(e).

3 27. Pursuant to Title 22, Code of Federal Regulations,
4 Section 126.1(c)(1), whenever the United Nations Security
5 Council mandated an arms embargo, all transactions that were
6 prohibited by the arms embargo and involved U.S. persons inside
7 or outside of the United States, or any person in the United
8 States, and defense articles or defense services described on
9 the USML, irrespective of origin, were prohibited under the ITAR
10 for the duration of the sanctions, unless the Department of
11 State published a notice in the Federal Register specifying
12 different measures.
13

14 28. On May 24, 2011, the Department of State amended the
15 ITAR to reflect the United Nations Security Council Libyan arms
16 embargoes adopted in February and March 2011.
17

18 29. Pursuant to Title 22, Code of Federal Regulations,
19 Section 126.1(k), it was the policy of the United States to deny
20 licenses or other approvals for exports or imports of defense
21 articles and defense services destined for or originating in
22 Libya, except that a license or other approval might be issued,
23 on a case-by-case basis, for:
24

25 (a) Arms and related materiel intended solely for
26 security or disarmament assistance to the Libyan government,
27 notified to the Committee of the Security Council concerning
28

1 Libya in advance and in the absence of a negative decision by
2 the Committee within five working days of such a notification;

3 (b) Non-lethal military equipment when intended solely
4 for security or disarmament assistance to the Libyan government;

5 (c) The provision of any technical assistance or
6 training when intended solely for security or disarmament
7 assistance to the Libyan government;

8 (d) Small arms, light weapons, and related materiel
9 temporarily exported to Libya for the sole use of United Nations
10 personnel, representatives of the media, or humanitarian and
11 development workers and associated personnel, notified to the
12 Committee of the Security Council concerning Libya in advance
13 and in the absence of a negative decision by the Committee
14 within five working days of such a notification;

15 (e) Non-lethal military equipment intended solely for
16 humanitarian or protective use, and related technical assistance
17 or training; or

18 (f) Other sales or supply of arms and related
19 materiel, or provision of assistance or personnel, as approved
20 in advance by the Committee of the Security Council concerning
21 Libya.

22 30. Defendant GHANEM's conduct charged in this Indictment
23 was not within the parameters of or in compliance with the
24 United Nations arms embargo, as codified in Section 126.1 of the
25 ITAR.

1 31. At no time did defendant GHANEM or any co-conspirator
2 apply for, receive, or possess a license or other approval to
3 sell or transfer the PVS-27 night-vision weapon sights described
4 in the counts below.

5 32. At no time did defendant GHANEM or any co-conspirator
6 apply for, receive, or possess a license or approval to sell or
7 transfer the Glock pistols described in the counts below.

8 33. No sale, export, transfer, re-export or retransfer of,
9 and no proposals to sell, export, transfer, re-export, or re-
10 transfer, any defense articles or defense services involving any
11 country referred to in Title 22, Code of Federal Regulations,
12 Section 126.1(e), including Libya, Iran, and Iraq, could be
13 carried out by any person without first obtaining a license or
14 written approval from DDTC pursuant to Title 22, Code of Federal
15 Regulations, Section 126.1(e).
16
17

18 34. At no time did defendant GHANEM or any Unindicted Co-
19 Conspirator identified herein apply for, receive, or possess a
20 license or written approval to make proposals or presentations
21 relating to the defense articles or defense services described
22 herein.
23

24 H. MISSILE SYSTEMS DESIGNED TO DESTROY AIRCRAFT

25 35. It was unlawful for any national of the United States,
26 or any person over whom jurisdiction exists under this
27 subsection, to knowingly acquire, transfer directly or
28 indirectly, receive, possess, import, export, or use: 1) an

1 explosive or incendiary rocket or missile that was guided by any
2 system designed to enable the rocket or missile to seek or
3 proceed toward energy radiated and reflected from an aircraft or
4 toward an image reflecting an aircraft, and otherwise direct or
5 guide the rocket or missile to an aircraft; 2) any device
6 designed or intended to launch or guide a rocket or missile; and
7 3) any part or combination of parts designed or redesigned for
8 use in assembling or fabricating a rocket, missile, or other
9 device. (18 U.S.C. § 2332g.)
10

11 36. The factual allegations in paragraphs 1 through 35 are
12 incorporated in all counts of this Indictment by reference and
13 are re-alleged as though fully set forth therein.
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COUNT ONE

[18 U.S.C. § 371]

A. OBJECTS OF THE CONSPIRACY

37. Beginning on a date unknown to the Grand Jury, but no later than September 4, 2013, and continuing through on or about December 8, 2015, in Los Angeles County, within the Central District of California, and elsewhere, defendant RAMI NAJM ASAD-GHANEM, also known as ("aka") "Rami Ghanem" ("defendant GHANEM"), together with Unindicted Co-Conspirator #1, Unindicted Co-Conspirator #2, Unindicted Co-Conspirator #3, and others known and unknown to the Grand Jury, knowingly conspired and agreed with each other to knowingly and intentionally commit the following offenses against the United States:

a. To engage in the business of brokering activities for which registration and a license or written approval is required without first registering or obtaining the required license or written approval from the Directorate of Defense Trade Controls, in violation of Title 22, United States Code, Section 2778(b)(1), and Title 22, Code of Federal Regulations, Section 127.1(b)(2).

b. To export, transfer, re-export, or re-transfer from the United States to another country defense articles listed on the USML, including Glock pistols and PVS-27 night-vision weapon sights, without first obtaining from the United States Department of State a license or written authorization for such export, transfer, re-export, or re-transfer, in violation of Title 22, United States Code, Section 2778(b)(2),

1 (c), and Title 22, Code of Federal Regulations, Sections 123.1,
2 127.1(a)(1), and 127.3.

3 c. To make proposals and presentations to sell,
4 export, transfer, re-export, and re-transfer defense articles
5 and defense services subject to the ITAR without first obtaining
6 a license or written approval from DDTC in violation of Title
7 22, Code of Federal Regulations, Sections 126.1(e)(1) and
8 127.1(b)(1).

9 B. MANNER AND MEANS OF THE CONSPIRACY

10 38. The objects of the conspiracy were to be accomplished
11 in substance as follows:

12 a. Defendant GHANEM, Unindicted Co-Conspirator #1,
13 and Unindicted Co-Conspirator #2 would engage with prospective
14 suppliers and buyers of defense articles and defense services on
15 behalf of Gateway to MENA for Logistics Services ("Gateway to
16 MENA").

17 b. Defendant GHANEM, Unindicted Co-Conspirator #1,
18 and Unindicted Co-Conspirator #2 would negotiate pricing,
19 quantities, specifications, and other terms of sale with
20 prospective suppliers and buyers for the defense articles and
21 defense services on behalf of Gateway to MENA.

22 c. Defendant GHANEM, Unindicted Co-Conspirator #1,
23 and Unindicted Co-Conspirator #2 would add a profit margin to
24 their suppliers' prices before offering defense articles and
25 defense services for sale to their buyers on behalf of Gateway
26 to MENA.

27 d. Defendant GHANEM, Unindicted Co-Conspirator #1,
28 and Unindicted Co-Conspirator #2 would arrange for prospective

1 buyers to obtain end-user certificates indicating the final
2 customer for the defense articles and defense services. On at
3 least some occasions, defendant GHANEM, Unindicted Co-
4 Conspirator #1, and Unindicted Co-Conspirator #2 knew that these
5 end-user certificates were falsified.

6 e. Defendant GHANEM, Unindicted Co-Conspirator #1,
7 and Unindicted Co-Conspirator #2 would cause payment to be made
8 to suppliers of defense articles and defense services on the
9 suppliers' invoices. On at least some occasions, these invoices
10 falsely reflected the purchase of other commodities, rather than
11 the defense articles or defense services that defendant GHANEM,
12 Unindicted Co-Conspirator #1, and Unindicted Co-Conspirator #2
13 actually purchased.

14 f. Unindicted Co-Conspirator #3, at times operating
15 through Company A and at times operating through Company B,
16 would supply defense articles and defense services to defendant
17 GHANEM, Unindicted Co-Conspirator #1, and Unindicted Co-
18 Conspirator #2 in exchange for payment. On at least some
19 occasions, Unindicted Co-Conspirator #3 would provide to
20 defendant GHANEM, Unindicted Co-Conspirator #1, Unindicted Co-
21 Conspirator #2, and Gateway to MENA cover invoices falsely
22 reflecting the purchase of other commodities that were not
23 defense articles or defense services, rather than the actual
24 defense articles or defense services that defendant GHANEM,
25 Unindicted Co-Conspirator #1, Unindicted Co-Conspirator #2, and
26 Gateway to MENA purchased.

1 C. OVERT ACTS

2 39. In furtherance of the conspiracy and to effect the
3 objects of the conspiracy, the following overt acts, among
4 others, were committed in the Central District of California and
5 elsewhere:

6 Overt Act No. 1: On or about September 4, 2013, in an
7 electronic message, defendant GHANEM discussed with an
8 unindicted co-conspirator his efforts to procure, on behalf of a
9 foreign government, an S-400 Triumph anti-aircraft missile
10 defense system.

11 Overt Act No. 2: On or about September 9, 2013, defendant
12 GHANEM sent to Unindicted Co-Conspirator #2 an electronic
13 message containing a list of the following defense articles that
14 defendant GHANEM sought to procure, in unspecified quantities,
15 on behalf of a foreign government to be covertly supplied to
16 Libya, Syria, and the Kurdish region of Iraq:

17 9 x 19-millimeter ammunition
18 5.56 x 45-millimeter ammunition
19 7.62 x 54-millimeter ammunition
20 7.62 x 39-millimeter ammunition
21 7.62 x 54-millimeter BKC ammunition
22 Zsu-57-2 57-millimeter anti-aircraft ammunition
23 M51 37-millimeter anti-aircraft armor-piercing capped
24 trace
25 Zsu-23-2 23-millimeter ammunition
26 BS-41 14.5-millimeter ammunition
27 Dishka 127 x 108-millimeter ammunition
28 D20 152-millimeter tank rounds
M48 76-millimeter tank rounds
D30 122-millimeter towed howitzer heat tank rounds
GRAD 122-millimeter rockets
122-millimeter GRAD rocket launcher
107-millimeter GRAD rocket launcher
RPG-7 HEAT rounds
CZ-999 pistols 9-millimeter pistols
Glock 9-millimeter pistols
AK-47 assault rifles
Dragonov sniper rifles
7.62-millimeter PKM medium machine guns

1 RPG-7 anti-tank rocket-propelled grenade launcher
 2 Kornet anti-tank guided missile launchers
 3 Kornet anti-tank guided missiles
 4 Konkurs anti-tank missile launchers
 Konkurs anti-tank missiles
 Igla 9K38 surface-to-air missile launchers
 Igla 9K38 surface-to-air missiles

5 Overt Act No. 3 On or about September 9, 2013, Unindicted Co-
 6 Conspirator #2 replied to defendant GHANEM's inquiry about the
 7 list of defense articles identified in Overt Act No. 2 to ask
 8 about the desired quantities and the intended destinations for
 9 those defense articles.

10 Overt Act No. 4: On or about November 8, 2013, Unindicted Co-
 11 Conspirator #2 sent to defendant GHANEM an e-mail containing
 12 pricing information for the following defense articles that
 13 defendant GHANEM sought to purchase:

14 3,000,000 rounds of 12.7 x 108-millimeter ammunition
 15 3,000,000 rounds of 14.5 x 114-millimeter ammunition
 16 198 12.7-millimeter NSVT machine guns
 50 14.5-millimeter KPVT machine guns
 2,500,000 rounds of 23-millimeter OFZ ammunition
 1,500,000 rounds of 23-millimeter BZT ammunition
 3,000 S-13T 122-millimeter rockets
 3,900 S-13 OF 122-millimeter rockets

19 Overt Act No. 5: Beginning on or about December 5, 2013,
 20 defendant GHANEM engaged in discussions via electronic message
 21 with an unindicted co-conspirator regarding the terms under
 22 which defendant GHANEM sought to procure an S-400 Triumph anti-
 23 aircraft missile defense system on behalf of a foreign
 24 government, which had already approved the purchase.

25 Overt Act No. 6: On or about December 24, 2013, Unindicted Co-
 26 Conspirator #1 registered Gateway to MENA with the Ministry of
 27 Industry and Trade of a foreign government for the purpose of
 28

1 using Gateway to MENA to conduct exports and transfers of
2 defense articles and defense services.

3 Overt Act No. 7: On or about March 11, 2014, defendant GHANEM
4 sent a letter to a prospective weapons supplier in the Czech
5 Republic requesting to purchase for Gateway to MENA, on behalf
6 of a foreign government, the following defense articles, with
7 quantities to be determined based on the prospective supplier's
8 available stock:

9 RPG-7 anti-tank grenade launchers
10 107-millimeter rocket launchers
11 BM21 122-millimeter rocket launchers
12 BM21 122-millimeter rockets
13 81-millimeter mortars
14 82-millimeter mortars
15 60-millimeter mortars
16 120-millimeter mortars
17 7.62 x 51-millimeter ammunition
18 7.62 x 54-millimeter ammunition
19 23-millimeter anti-aircraft twin-barreled autocannon
20 Any small arms

21 Overt Act No. 8: On or about July 30, 2014, defendant GHANEM
22 sent a letter to a foreign government offering to sell the
23 following defense articles on behalf of Gateway to MENA from
24 Gateway to MENA's stock:

25 1000 Konkurs 9P135M1 anti-tank missile launchers
26 300 Konkurs 9M113 anti-tank missiles
27 95 Igla surface-to-air missile systems
28 6000 Konkurs 9M113 anti-tank missiles
29 120 Konkurs 9M113 anti-tank missile launchers
30 8 Strela surface-to-air missile launchers
31 400 Strela surface-to-air missiles
32 300 M79 Osa RBR 90-millimeter anti-tank guided rocket
33 launchers
34 815 M79 Osa RBR 90-millimeter anti-tank guided rockets
35 815 M79 Osa RBR 90-millimeter anti-tank guided rocket
36 tubes
37 50 9M151 Metis-M anti-tank guided missile launchers
38 250 9M131 Metis-M anti-tank guided missiles
39 50 Metis-M tripod launchers
40 50 1PBN86-VI Metis-M thermal sights
41 50 9M133 Kornet anti-tank guided missile launchers

500 9M133 Kornet anti-tank guided missiles
 50 9P163-1 Kornet tripod launchers
 2000 PG-7VLT tandem-charge anti-tank warheads
 1000 PG-7VR 85-millimeter HEAT tandem projectiles
 50 1PN79-1 Kornet thermal sights
 100 Shershen-D anti-tank guided missile launchers
 1000 Shershen-D anti-tank guided missiles
 100 Shershen-D PN-S combat module guidance devices
 100 Shershen-D thermal sights
 100 9M113 Konkurs anti-tank guided missile launchers
 120 9M113 Konkurs anti-tank guided missiles
 100 Konkurs tripod launchers
 100 Konkurs thermal sights
 50 Fagot 9K111 anti-tank guided missile launchers
 500 Fagot 9M111 anti-tank guided missiles
 300 M70 Osa 90-millimeter anti-tank guided missile launchers
 800 M79 Osa 90-millimeter anti-tank guided missile launchers
 50 9M133 Kornet (Konkurs) anti-tank guided missile launchers including tripods and thermal sights
 500 9M133 Kornet (Konkurs) anti-tank guided missiles
 5000 85-millimeter RPG-7 anti-tank launcher including telescopic sight
 10,000 PG-7VL 85-millimeter HEAT projectiles
 30,000,000 rounds of 7.62 x 39-millimeter ammunition
 20 SKIF anti-tank guided missile launchers
 100 SKIF missiles anti-tank guided missiles
 3,000,000 rounds of 12.7 x 108-millimeter ammunition

Overt Act No. 9: On or about August 25, 2014, defendant GHANEM and Unindicted Co-Conspirator #1 sent a letter to the Ministry of Defense of the Republic of Iraq offering to sell 9,000 68-millimeter RPG-75 anti-tank rocket launchers on behalf of Gateway to MENA from Gateway to MENA's stock.

Overt Act No. 10: On or about November 2, 2014, Unindicted Co-Conspirator #1 sent to defendant GHANEM an e-mail containing a document certifying that the Government of Libya was the end user of the following defense articles to be supplied by Gateway to MENA, represented by defendant GHANEM:

10,000 GRAD 122-millimeter rockets
 Three million rounds of 12.7-millimeter ammunition
 150 Konkurs anti-tank missile launchers
 1500 Konkurs anti-tank missiles
 100 sniper rifles

1 16 rocket launchers for MI-24
2500 AT-2 swatter guided missiles
2 2500 AT-6 spiral missiles
3 1000 57-millimeter rockets
4 1000 80-millimeter rockets
1000 130-millimeter rockets
1000 240-millimeter rockets
5 16 AGS-17 30-millimeter grenade launchers

6 Overt Act No. 11: On or about January 7, 2015, defendant
7 GHANEM, Unindicted Co-Conspirator #1, and Unindicted Co-
8 Conspirator #2 agreed to supply to the Ministry of Defense of
9 the Republic of Libya, on behalf of Gateway to MENA, the
10 following defense articles:

11 1,600,000 rounds of ammunition for ZU-23 23-millimeter
anti-aircraft gun
12 1,300,000 rounds of ammunition for 14.5-millimeter
anti-aircraft gun
13 12,000 120-millimeter mortar rounds
10,000 Grad 122-millimeter rockets
14 5,000,000 rounds of 7.62 x 54-millimeter ammunition
for PKT machine gun
15 50 GP 135-MI anti-tank launchers
150 9M111M Fagot rockets
16 50 9M313 [I]GLA-1 rockets
5 IGLA-L GP 51G surface-to-air missile launchers

17 Overt Act No. 12: On or about February 8, 2015, defendant
18 GHANEM sent to Unindicted Co-Conspirator #1 via e-mail an
19 invoice from Unindicted Co-Conspirator #3 entitled "COMMERCIAL
20 invoice 06022" falsely reflecting a \$409,000 purchase from
21 Gateway to MENA to Company A for technical and maintenance
22 training relating to cargo aircraft. In the e-mail, defendant
23 GHANEM noted that the invoice would "cover" the purchase of two
24 MI-24 attack helicopter computers, the salary for operators of
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1 an Igla surface-to-air missile system, and four sets of night-
2 vision equipment for the MI-24 attack helicopter.

3 Overt Act No. 13: On or about February 8, 2015, Unindicted Co-
4 Conspirator #1 sent to defendant GHANEM an e-mail noting that
5 the correct price for the aforementioned order with Co-
6 Conspirator #3 and Company A totaled \$398,000, rather than
7 \$409,000.
8

9 Overt Act No. 14: On or about February 10, 2015, Unindicted Co-
10 Conspirator #1 sent to defendant GHANEM via e-mail a copy of a
11 bank transfer reflecting a payment of \$398,000 from Gateway to
12 MENA to Company A on invoice number 06022.

13 Overt Act No. 15: On or about February 10, 2015, defendant
14 GHANEM communicated by e-mail with a supplier, who sent to
15 defendant GHANEM a cover invoice purporting to reflect a
16 purchase of building materials, but in fact reflected a purchase
17 by defendant GHANEM and Unindicted Co-Conspirator #1 of the
18 services of fighter aircraft specialists.
19

20 Overt Act No. 16: On or about February 17, 2015, Unindicted Co-
21 Conspirator #3 sent to defendant GHANEM an e-mail about the
22 status of defendant GHANEM's request for defense articles and
23 defense services, including night-vision equipment, attack
24 aircraft pilots, Igla surface-to-air missile operators, reserve
25
26
27
28

1 engines and spare parts for military aircraft, and 50,000 pieces
2 of 23-millimeter ammunition.

3 Overt Act No. 17: On or about March 9, 2015, defendant GHANEM
4 sent to Unindicted Co-Conspirator #4 a message stating that
5 defendant GHANEM was looking for individuals to operate Igla
6 surface-to-air missiles in Libya, and to train other fighters in
7 the operation of the Igla missile system. Defendant GHANEM
8 further stated that the Igla operators/trainers would be
9 deployed for two months, but that if they managed to shoot down
10 a plane, they could go home immediately.

12 Overt Act No. 18: On or about March 10, 2015, defendant GHANEM
13 met with an undercover agent for the purpose of purchasing and
14 illegally exporting from the Central District of California and
15 elsewhere in the United States weaponry and other military
16 equipment, including PVS-27 night-vision weapon sights, without
17 a license.

19 Overt Act No. 19: On or about March 11, 2015, defendant GHANEM
20 again met with an undercover agent for the purpose of purchasing
21 and illegally exporting, from the Central District of California
22 and elsewhere in the United States, weaponry and other military
23 equipment, including PVS-27 night-vision weapon sights, without
24 a license.

26 Overt Act No. 20: On or about March 11, 2015, defendant GHANEM
27 placed a telephone call to a prospective buyer of the export-
28 controlled night-vision equipment, including PVS-27 night-vision

1 weapon sights, that defendant GHANEM planned to illegally export
2 from the Central District of California and elsewhere in the
3 United States, in order to discuss defendant GHANEM's proposed
4 sale of these articles to the prospective buyer.

5 Overt Act No. 21: On or about March 11, 2015, defendant GHANEM
6 placed a telephone call to a second prospective buyer of export-
7 controlled night-vision equipment, including PVS-27 night-vision
8 weapon sights, that defendant GHANEM planned to illegally export
9 from the Central District of California and elsewhere in the
10 United States, in order to discuss defendant GHANEM's proposed
11 sale of these articles to the prospective buyer, including the
12 logistics of delivery.
13

14 Overt Act No. 22: On or about March 23, 2015, defendant GHANEM
15 sent to Unindicted Co-Conspirator #1 an e-mail containing
16 product specification and pricing information for PVS-27 night-
17 vision weapon sights that defendant GHANEM and Unindicted Co-
18 Conspirator #1 intended to offer to a customer. Defendant
19 GHANEM had originally obtained this PVS-27 product specification
20 from an undercover agent, along with an offer to sell these
21 articles to defendant GHANEM at a price lower than the price at
22 which defendant GHANEM subsequently offered it.
23
24

25 Overt Act No. 23: On or about March 30, 2015, defendant GHANEM
26 sent to a prospective buyer an e-mail containing materials
27 offering to provide, on behalf of Gateway to MENA, certain
28

1 enumerated defense articles, including eight Strela surface-to-
2 air missile launchers and 400 Strela surface-to-air missiles.

3 Overt Act No. 24: On or about April 3, 2015, Unindicted Co-
4 Conspirator #3 sent to defendant GHANEM an e-mail noting Gateway
5 to MENA's payment of \$398,000 and referencing defendant GHANEM's
6 purchase of defense articles and defense services, including
7 computers for military aircraft, night-vision equipment, and the
8 salary for Igla surface-to-air missile operators.
9

10 Overt Act No. 25: On or about April 5, 2015, Unindicted Co-
11 Conspirator #3 sent to defendant GHANEM an e-mail referencing
12 their agreement that Unindicted Co-Conspirator #3 would provide
13 to defendant GHANEM defense services including three Igla
14 surface-to-air missile operators by April 14, 2015, including
15 one specialist on armament who would provide mechanical
16 services, and 100 to 200 specially trained mercenaries.
17

18 Overt Act No. 26: On or about April 5, 2015, defendant GHANEM
19 sent to Unindicted Co-Conspirator #3 an e-mail clarifying
20 defendant GHANEM's understanding of the terms of his agreement
21 to purchase defense articles and defense services, including
22 defendant GHANEM's agreement to pay the operators of an Igla
23 surface-to-air missile a bonus of \$50,000 for each plane shot
24 down. In this e-mail, defendant GHANEM also sought to clarify
25 the pricing for night-vision equipment for the MI-24 attack
26 helicopter that he intended to purchase from Unindicted Co-
27 Conspirator #3.
28

1 Overt Act No. 27: On or about April 8, 2015, Unindicted Co-
2 Conspirator #3 sent to defendant GHANEM an e-mail offering to
3 provide defense articles including ammunition, 23-millimeter
4 guns, and containers for 23-millimeter guns.

5 Overt Act No. 28: On or about April 9, 2015, defendant GHANEM
6 sent to Unindicted Co-Conspirator #1 an e-mail containing an
7 attached invoice from Company B, an entity that facilitated
8 money transfers for transactions involving defense articles and
9 defense services. This invoice falsely reflected the purchase
10 of construction equipment for \$111,821.

12 Overt Act No. 29: On or about April 12, 2015, defendant GHANEM
13 forwarded to himself an e-mail addressed to Unindicted Co-
14 Conspirator #3 replying to Unindicted Co-Conspirator #3's April
15 8, 2015 offer to provide defense articles including ammunition,
16 23-millimeter guns, and containers for 23-millimeter guns. In
17 this reply, defendant GHANEM indicated that before moving ahead
18 with a new purchase for defense articles, defendant GHANEM
19 wished to clarify the terms of his pending purchase of defense
20 articles and defense services from Unindicted Co-Conspirator #3
21 including fighter-aircraft computers, night-vision equipment for
22 the MI-24 attack helicopter, and the salary for Igla surface-to-
23 air missile operators and trainers.

26 Overt Act No. 30: On or about April 15, 2015, defendant GHANEM
27 and Unindicted Co-Conspirator #2 discussed via e-mail the
28 following subjects related to the conspiracy: 1) their intent to

1 purchase four MI-24 helicopters, including two without end-user
2 certificates; 2) their intent to purchase a MIG-29 fighter jet
3 using a false end-user certificate from a foreign government;
4 and 3) their intent to transfer defense articles and services to
5 and from other foreign countries.

6 Overt Act No. 31: On or about April 21, 2015, Unindicted Co-
7 Conspirator #3 sent to defendant GHANEM an e-mail detailing
8 defendant GHANEM's purchase of defense articles and defense
9 services from Unindicted Co-Conspirator #3, including fighter-
10 aircraft computers, night-vision equipment for the MI-24 attack
11 helicopter, and the salary for Igla surface-to-air missile
12 operators and trainers.
13

14 Overt Act No. 32: On or about April 21, 2015, defendant GHANEM
15 replied to Unindicted Co-Conspirator #3's April 21, 2015 e-mail
16 confirming the details of defendant GHANEM's purchase of defense
17 articles and defense services from Unindicted Co-Conspirator #3,
18 including fighter-aircraft computers, night-vision equipment for
19 the MI-24 attack helicopter, and the salary for Igla surface-to-
20 air missile operators and trainers.
21

22 Overt Act No. 33: On or about April 27, 2015, defendant GHANEM
23 sent to Unindicted Co-Conspirator #1 an e-mail containing the
24 passport information for the two Igla surface-to-air missile
25 operators and trainers whose defense services defendant GHANEM
26 and Unindicted Co-Conspirator #1 had purchased.
27
28

1 Overt Act No. 34: On or about April 28, 2015, Unindicted Co-
2 Conspirator #1 sent to defendant GHANEM by e-mail the flight
3 itineraries for travel to Misurata, Libya, on April 30, 2015,
4 the two Igla surface-to-air missile operator and trainer whose
5 defense services defendant GHANEM and Unindicted Co-Conspirator
6 #1 had purchased.
7

8 Overt Act No. 35: On or about April 29, 2015, defendant GHANEM
9 sent to Unindicted Co-Conspirator #3 an e-mail containing an
10 attached visa approval letter granting permission for Co-
11 Conspirator #4, Co-Conspirator #5, and Co-Conspirator #6, to
12 travel to Misurata, Libya.
13

14 Overt Act No. 36: On or about May 5, 2015, defendant GHANEM
15 sent to Unindicted Co-Conspirator #1 an e-mail containing two
16 cover invoices falsely reflecting Gateway to MENA's alleged
17 purchase of building materials and equipment from Company B, an
18 entity that facilitated money transfers for transactions
19 involving defense articles and defense services, in the amounts
20 of \$306,340 and \$292,000.
21

22 Overt Act No. 37: On or about May 6, 2015, Unindicted Co-
23 Conspirator #1 sent to defendant GHANEM an e-mail reflecting
24 Unindicted Co-Conspirator #1's payment, on behalf of Gateway to
25 MENA, of Company B's cover invoice in the amount of \$306,340.
26

27 Overt Act No. 38: On or about May 30, 2015, defendant GHANEM
28 sent to Unindicted Co-Conspirator #1 an e-mail containing a
Company B cover invoice that falsely reflected payment for

1 generators and other building materials and equipment, but in
2 fact documented Gateway to MENA's payment for the service of
3 fighter aircraft pilots.

4 Overt Act No. 39: On or about June 3, 2015, Unindicted Co-
5 Conspirator #4 sent to defendant GHANEM an e-mail confirming
6 that Unindicted Co-Conspirator #5 and Unindicted Co-Conspirator
7 #6, the Igla surface-to-air missile operators and trainers whose
8 services defendant GHANEM and Unindicted Co-Conspirator #1 had
9 purchased, remained on duty in Libya on that date.

11 Overt Act No. 40: On or about June 4, 2015, Unindicted Co-
12 Conspirator #1 sent to defendant GHANEM an e-mail containing
13 bank transfer information indicating that a Company B cover
14 invoice for payment of defense services, specifically salaries
15 for military fighter pilots, had been paid from Gateway to
16 MENA's bank account.

18 Overt Act No. 41: On or about June 10, 2015, Unindicted Co-
19 Conspirator #1 sent to defendant GHANEM an e-mail containing a
20 document indicating that the Ministry of Defense for the Libyan
21 Salvation Government was the end-user and importer of 4,000,000
22 rounds of 23-millimeter ammunition, 5,000,000 rounds of 14.5-
23 millimeter by 114-millimeter ammunition, and 10,000 C5 rockets.

25 Overt Act No. 42: On or about June 27, 2015, Unindicted Co-
26 Conspirator #2 sent to defendant GHANEM an e-mail containing an
27
28

1 end-user certificate from a foreign government for the following
2 defense articles:

3 20,000 AKS 7.62 assault rifles
4 20,000 AKM 7.62 assault rifles
5 10,000,000 rounds of 7.62 x 39-millimeter ammunition
6 10,000,000 rounds of 7.62 x 54-millimeter ammunition
7 5,000,000 rounds of 12.7 x 108-millimeter ammunition
8 5,000,000 rounds of 14.5 x 114-millimeter ammunition
9 1,000,000 rounds of 23 x 152-millimeter ammunition
10 1,500 RPG-7 anti-tank grenade launchers
11 20,000 PG-7V anti-tank grenade launchers
12 1,500 PKM 7.62 medium machine guns
13 500 SVD 7.62-millimeter sniper rifles
14 15,000 60-millimeter mortar shells
15 12,000 81-millimeter mortar shells
16 12,000 120-millimeter mortar shells

17 Overt Act No. 43: On or about July 5, 2015, defendant GHANEM
18 sent an e-mail relating to his pending transfer, with Unindicted
19 Co-Conspirator #2, of various defense articles, including parts
20 for tanks and amphibious armored personnel carriers.

21 Overt Act No. 44: On a date unknown, defendant GHANEM,
22 Unindicted Co-Conspirator #1, and Unindicted Co-Conspirator #2
23 agreed to supply to the Ministry of Defense of the Republic of
24 Libya, on behalf of Gateway to MENA, the following defense
25 articles:

26 10,000 GRAD 122-millimeter rockets
27 3,000,000 rounds of 12.7-millimeter ammunition
28 150 Konkurs 9P135M anti-tank missile launchers
 200 laser range finders
 100 2000-meter sniper rifles
 16 rocket launchers for MI-24 attack helicopters
 2500 AT-2 Swatter guided anti-tank missiles
 2500 AT-6 spiral missiles
 1000 57-millimeter rockets
 1000 80-millimeter rockets
 1000 130-millimeter rockets
 1000 240-millimeter rockets
 16 AGS-17 30-millimeter grenade launchers

COUNT TWO

[22 U.S.C. §§ 2778(b)(1)(A)(ii), (c); 22 C.F.R. §§ 126.1, 127.1(b)(2)]

40. From on or about September 4, 2013, to December 8, 2015, in Los Angeles County, within the Central District of California, and elsewhere, defendant RAMI NAJM ASAD-GHANEM, also known as ("aka") "Rami Ghanem" ("defendant GHANEM"), knowingly and willfully engaged in the business of brokering activities without first obtaining a license or other approval from the Department of State.

41. Specifically, defendant GHANEM engaged in negotiating and arranging contracts, purchases, sales, and transfers of defense articles, foreign defense articles, defense services, and foreign defense services, including the following:

Commodity	Controls
12.7-millimeter NSVT machine guns	USML I
7.62-millimeter AKS assault rifles	USML I
7.62-millimeter AKM assault rifles	USML I
7.62-millimeter PKM medium machine guns	USML I
7.62-millimeter SVD sniper rifles	USML I
Sniper rifles	USML I
CZ-999 pistols 9-millimeter pistols	USML I
Glock 9-millimeter pistols	USML I
AK-47 assault rifles	USML I
Dragonov sniper rifles	USML I
14.5-millimeter KPVT machine guns	USML II
60-millimeter mortar shells	USML III
81-millimeter mortar shells	USML III
120-millimeter mortar shells	USML III
7.62 x 39-millimeter ammunition	USML III
Ammunition	USML III
23-millimeter ammunition	USML III

Commodity	Controls
Zsu-23-2 23-millimeter ammunition	USML III
5.56 x 45-millimeter ammunition	USML III
BS-41 14.5-millimeter ammunition	USML III
9 x 19-millimeter ammunition	USML III
Zsu-57-2 57-millimeter anti-aircraft ammunition	USML III
M51 37-millimeter anti-aircraft armor-piercing capped trace	USML III
7.62 x 39-millimeter ammunition	USML III
7.62 x 54-millimeter ammunition	USML III
7.62 x 54-millimeter BKC ammunition	USML III
12.7 x 108-millimeter ammunition	USML III
Dishka 127 x 108-millimeter ammunition	USML III
14.5 x 114-millimeter ammunition	USML III
23 x 152-millimeter ammunition	USML III
D20 152-millimeter tank rounds	USML III
M48 76-millimeter tank rounds	USML III
D30 122-millimeter towed howitzer heat tank rounds	USML III
12.7 x 108-millimeter ammunition	USML III
RPG-7 anti-tank rocket-propelled grenade launcher	USML IV
Kornet anti-tank guided missile launchers	USML IV
Kornet anti-tank guided missiles	USML IV
Igla 9K38 surface-to-air missile launchers	USML IV
Igla 9K38 surface-to-air missiles	USML IV
MI-24 rocket launchers	USML IV
57-millimeter rockets	USML IV
80-millimeter rockets	USML IV
122-millimeter S-13T rockets	USML IV
122-millimeter S-13 OF rockets	USML IV
130-millimeter rockets	USML IV
240-millimeter rockets	USML IV
GRAD 122-millimeter rockets	USML IV
122-millimeter GRAD rocket launcher	USML IV
107-millimeter GRAD rocket launcher	USML IV
RPG-7 HEAT rounds	USML IV
AT-2 Swatter guided missiles	USML IV
AT-6 Spiral missiles	USML IV
Konkurs anti-tank missile launchers	USML IV

Commodity	Controls
Konkurs anti-tank missiles	USML IV
AGS-17 30-millimeter grenade launchers	USML IV
Anti-tank grenade launchers RPG-7	USML IV
Anti-tank grenades PG-7V	USML IV
Fagot 9K111 anti-tank guided missile launchers	USML IV
Fagot 9M111 anti-tank guided missiles	USML IV
M70 Osa 90-millimeter anti-tank guided missile launchers	USML IV
M79 Osa 90-millimeter anti-tank guided missile launchers	USML IV
9M133 Kornet (Konkurs) anti-tank guided missile launchers including tripods and thermal sights	USML IV
9M133 Kornet (Konkurs) anti-tank guided missiles	USML IV
85-millimeter RPG-7 anti-tank launcher including telescopic sight	USML IV
PG-7VL 85-millimeter HEAT projectiles	USML IV
SKIF anti-tank guided missile launchers	USML IV
SKIF anti-tank guided missiles	USML IV
Strela surface-to-air missile launchers	USML IV
Strela surface-to-air missiles	USML IV
M79 Osa RBR 90-millimeter anti-tank guided rocket launchers	USML IV
M79 Osa RBR 90-millimeter anti-tank guided rockets	USML IV
M79 Osa RBR 90-millimeter anti-tank guided rocket tubes	USML IV
9M151 Metis-M anti-tank guided missile launchers	USML IV
9M131 Metis-M anti-tank guided missiles	USML IV
Metis-M tripod launchers	USML IV
Konkurs tripod launchers	USML IV
9P163-1 Kornet tripod launchers	USML IV
PG-7VLT tandem-charge anti-tank warheads	USML IV
PG-7VR 85-millimeter HEAT tandem projectiles	USML IV
Shershen-D anti-tank guided missile launchers	USML IV
Shershen-D anti-tank guided missiles	USML IV
Spare parts for T-72 battle tanks	USML VII

Commodity	Controls
Spare parts for BTR-80 amphibious armored personnel carriers	USML VII
MI-24 attack helicopters	USML VIII
MIG-29 fighter jets	USML VIII
Operators for Igla surface-to-air missile launchers	USML IX
Technicians for Igla surface-to-air missile launchers	USML IX
Trainers for Igla surface-to-air missile launchers	USML IX
Special forces fighters	USML IX
MI-24 attack helicopter pilots	USML IX
L39 attack aircraft pilots	USML IX
F-1 fighter jet pilots	USML IX
MIG-25 fighter pilots	USML IX
PVS-27 night-vision weapon sight	USML XII
MI-24 night-vision equipment	USML XII
Shersten-D thermal sights	USML XII
Shersten-D PN-S combat module guidance devices	USML XII
1PBN86-VI Metis-M thermal sights	USML XII
Konkurs thermal sights	USML XII
1PN79-1 Kornet thermal sights	USML XII

COUNT THREE

[18 U.S.C. § 2332g]

A. OBJECT OF THE CONSPIRACY

42. From on or about September 9, 2013, to on or about July 1, 2015, defendant RAMI NAJM ASAD-GHANEM, also known as ("aka") "Rami Ghanem," a citizen of the United States ("defendant GHANEM") who is currently located in the Central District of California, together with Unindicted Co-Conspirator #1, Unindicted Co-Conspirator #2, Unindicted Co-Conspirator #3, Unindicted Co-Conspirator #4, Unindicted Co-Conspirator #5, Unindicted Co-Conspirator #6, and others known and unknown to the Grand Jury, knowingly conspired to acquire, transfer directly or indirectly, receive, possess, import, export, and use: 1) an explosive or incendiary rocket or missile that is guided by any system designed to enable the rocket or missile to seek or proceed toward energy radiated and reflected from an aircraft or toward an image reflecting an aircraft, and otherwise direct or guide the rocket or missile to an aircraft; 2) any device designed or intended to launch or guide a rocket or missile; and 3) any part or combination of parts designed or redesigned for use in assembling or fabricating a rocket, missile, or other device in violation of Title 18, United States Code, Section 2332g.

1 B. MANNER AND MEANS OF THE CONSPIRACY

2 43. The object of the conspiracy was to be accomplished in
3 the manner and by the means described below, among others:

4 a. Defendant GHANEM, Unindicted Co-Conspirator #1,
5 Unindicted Co-Conspirator #3, Unindicted Co-Conspirator #4,
6 Unindicted Co-Conspirator #5, Unindicted Co-Conspirator #6,
7 would acquire, transfer directly or indirectly, receive,
8 possess, import, export, and use Igla surface-to-air missile
9 systems to enable Unindicted Co-Conspirator #5, Unindicted Co-
10 Conspirator #6, and others known and unknown to the Grand Jury,
11 to attack aircraft in Libya, in violation of Title 18, United
12 States Code, Section 2332g.
13

14 b. Defendant GHANEM, Unindicted Co-Conspirator #1, and
15 Unindicted Co-Conspirator #2, would acquire, transfer directly
16 or indirectly, receive, possess, import, export, and use Igla
17 surface-to-air missile systems, in violation of Title 18, United
18 States Code, Section 2332g.
19

20 c. Defendant GHANEM, Unindicted Co-Conspirator #1, and
21 Unindicted Co-Conspirator #2, would acquire, transfer directly
22 or indirectly, receive, possess, import, export, and use Strela
23 surface-to-air missile systems, in violation of Title 18, United
24 States Code, Section 2332g.
25

26 d. Defendant GHANEM and others known and unknown to the
27 Grand Jury would acquire, transfer directly or indirectly,
28 receive, possess, import, export, and use, other missile systems

1 designed to destroy aircraft, in violation of Title 18, United
2 States Code, Section 2332g.

3 C. OVERT ACTS

4 44. In furtherance of the conspiracy and to accomplish the
5 object of the conspiracy, defendant GHANEM, Unindicted Co-
6 Conspirator #1, Unindicted Co-Conspirator #2, Unindicted Co-
7 Conspirator #3, Unindicted Co-Conspirator #4, Unindicted Co-
8 Conspirator #5, and Unindicted Co-Conspirator #6, inclusive,
9 committed the following overt acts, among others:

10 Overt Act No. 1: On or about September 9, 2013, defendant
11 GHANEM sent to Unindicted Co-Conspirator #2 an electronic
12 message containing a list of defense articles and services that
13 defendant GHANEM sought to procure, in unspecified quantities,
14 on behalf of a foreign government to be covertly supplied to
15 Libya, Syria, and the Kurdish region of Iraq, including Igla
16 9K38 surface-to-air missile launchers and Igla 9K38 surface-to-
17 air missiles.

18 Overt Act No. 2: On or about September 9, 2013, Unindicted Co-
19 Conspirator #2 replied to defendant GHANEM's inquiry about the
20 list of defense articles identified in Overt Act No. 1 to ask
21 about the desired quantities and the intended destinations for
22 those defense articles.

23 Overt Act No. 3: On or about July 30, 2014, defendant GHANEM
24 sent a letter to a foreign government offering to sell certain
25 enumerated defense articles on behalf of Gateway to MENA from
26
27
28

1 Gateway to MENA's stock, including eight Strela surface-to-air
2 missile launchers and 400 Strela surface-to-air missiles.

3 Overt Act No. 4: On or about January 7, 2015, defendant GHANEM,
4 Unindicted Co-Conspirator #1, and Unindicted Co-Conspirator #2
5 agreed to supply to the Ministry of Defense of the Republic of
6 Libya, on behalf of Gateway to MENA, defense articles and
7 services including 5 IGLA-L 9P519 surface-to-air missile
8 launchers.
9

10 Overt Act No. 5: On or about February 8, 2015, defendant GHANEM
11 sent to Unindicted Co-Conspirator #1 via e-mail an invoice from
12 Unindicted Co-Conspirator #3 entitled "COMMERCIAL invoice 06022"
13 falsely reflecting a \$409,000 purchase from Gateway to MENA to
14 Company A for technical and maintenance training relating to
15 cargo aircraft. In the e-mail, defendant GHANEM noted that the
16 invoice would "cover" the purchase of enumerated defense
17 articles and services including the salary for operators of an
18 Igla surface-to-air missile system.
19

20 Overt Act No. 6: On or about February 8, 2015, Unindicted Co-
21 Conspirator #1 sent to defendant GHANEM an e-mail noting that
22 the correct price for the aforementioned order with Unindicted
23 Co-Conspirator #3 and Company A totaled \$398,000, rather than
24 \$409,000.
25

26 Overt Act No. 7: On or about February 10, 2015, Unindicted Co-
27 Conspirator #1 sent to defendant GHANEM via e-mail a copy of a
28

1 bank transfer reflecting a payment of \$398,000 from Gateway to
2 MENA to Company A on invoice number 06022.

3 Overt Act No. 8: On or about February 17, 2015, Unindicted Co-
4 Conspirator #3 sent to defendant GHANEM an e-mail about the
5 status of defendant GHANEM's request for defense articles and
6 defense services, including Igla surface-to-air missile
7 operators.
8

9 Overt Act No. 9: On or about March 9, 2015, defendant GHANEM
10 sent to Unindicted Co-Conspirator #4 a message stating that
11 defendant GHANEM was looking for individuals to operate Igla
12 surface-to-air missiles in Libya, and to train other fighters in
13 the operation of the Igla missile system. Defendant GHANEM
14 further stated that the Igla operators/trainers would be
15 deployed for two months, but that if they managed to shoot down
16 a plane, they could go home immediately.
17

18 Overt Act No. 10: On or about March 30, 2015, defendant GHANEM
19 sent to a prospective buyer an e-mail containing materials
20 offering to provide certain enumerated defense articles,
21 including eight Strela surface-to-air missile launchers and 400
22 Strela surface-to-air missiles.
23

24 Overt Act No. 11: On or about April 3, 2015, Unindicted Co-
25 Conspirator #3 sent to defendant GHANEM an e-mail noting Gateway
26 to MENA's payment of \$398,000 and referencing defendant GHANEM's
27 purchase of defense articles and defense services, including the
28 salary for Igla surface-to-air missile operators.

1 Overt Act No. 12: On or about April 5, 2015, Unindicted Co-
2 Conspirator #3 sent to defendant GHANEM an e-mail referencing
3 their agreement that Unindicted Co-Conspirator #3 would provide
4 to defendant GHANEM defense services including three Igla
5 surface-to-air missile operators by April 14, 2015, including
6 one specialist on armament who would provide mechanical
7 services.
8

9 Overt Act No. 13: On or about April 5, 2015, defendant GHANEM
10 sent to Unindicted Co-Conspirator #3 an e-mail clarifying
11 defendant GHANEM's understanding of the terms of his agreement
12 to purchase defense articles and defense services, including
13 defendant GHANEM's agreement to pay the operator of an Igla
14 surface-to-air missile a bonus of \$50,000 for each plane shot
15 down.
16

17 Overt Act No. 14: On or about April 12, 2015, defendant GHANEM
18 forwarded to himself an e-mail addressed to Unindicted Co-
19 Conspirator #3 replying to Unindicted Co-Conspirator #3's April
20 8, 2015 offer to provide defense articles including ammunition,
21 23-millimeter guns, and containers for 23-millimeter guns. In
22 this reply, defendant GHANEM indicated that before moving ahead
23 with a new purchase for defense articles, defendant GHANEM
24 wished to clarify the terms of his pending purchase of defense
25 articles and defense services from Unindicted Co-Conspirator #3
26 including the salary for Igla surface-to-air missile operators
27 and trainers.
28

1 Overt Act No. 15: On or about April 21, 2015, Unindicted Co-
2 Conspirator #3 sent to defendant GHANEM an e-mail detailing
3 defendant GHANEM's purchase of defense articles and defense
4 services from Unindicted Co-Conspirator #3, including the salary
5 for Igla surface-to-air missile operators and trainers.

6 Overt Act No. 16: On or about April 21, 2015, defendant GHANEM
7 replied to Unindicted Co-Conspirator #3's April 21, 2015 e-mail
8 confirming the details of defendant GHANEM's purchase of defense
9 articles and defense services from Unindicted Co-Conspirator #3,
10 including the salary for Igla surface-to-air missile operators
11 and trainers.

12 Overt Act No. 17: On or about April 27, 2015, defendant GHANEM
13 sent to Unindicted Co-Conspirator #1 an e-mail containing the
14 passport information for Unindicted Co-Conspirator #5 and
15 Unindicted Co-Conspirator #6, the Igla surface-to-air missile
16 operators and trainers whose services defendant GHANEM and
17 Unindicted Co-Conspirator #1 had purchased.

18 Overt Act No. 18: On or about April 28, 2015, Unindicted Co-
19 Conspirator #1 sent to defendant GHANEM an e-mail containing a
20 flight itinerary for travel by Unindicted Co-Conspirator #5, one
21 of the Igla surface-to-air missile operators and trainers whose
22 services defendant GHANEM and Unindicted Co-Conspirator #1 had
23 purchased, to Misurata, Libya, on April 30, 2015.

24 Overt Act No. 19: On or about April 29, 2015, defendant GHANEM
25 sent to Unindicted Co-Conspirator #3 an e-mail containing an
26


1 attached visa approval letter granting permission for Co-
2 Conspirator #4, Co-Conspirator #5, and Co-Conspirator #6, to
3 travel to Misurata, Libya.

4 Overt Act No. 20: On or about June 3, 2015, Unindicted Co-
5 Conspirator #4 sent to defendant GHANEM an e-mail confirming
6 that Unindicted Co-Conspirator #5 and Unindicted Co-Conspirator
7 #6, the Igla surface-to-air missile operators and trainers whose
8 services defendant GHANEM and Unindicted Co-Conspirator #1 had
9 purchased, remained on duty in Libya on that date.
10
11
12
13
14

15 A TRUE BILL

16
17 /s/
18 Foreperson

19 SANDRA R. BROWN
20 Acting United States Attorney

21  for PRF
22 PATRICK R. FITZGERALD
23 Assistant United States Attorney
24 Chief, National Security Division

25 CHRISTOPHER GRIGG
26 Assistant United States Attorney
27 Chief, Terrorism and Export Crimes Section

28 MELISSA MILLS
Assistant United States Attorney
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